

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

T.M. PATENTS, L.P., and  
T.M. CREDITORS LLC,

Plaintiffs,

v.

Civil Action No. 1:12-cv-11416

LSI CORPORATION,

Defendant.

**DECLARATION OF MARK NOSSOKOFF**

I, Mark Nossokoff, hereby declare as follows:

1. I am currently a Strategic Planning Director at LSI Corporation ("LSI").
2. I began my career with NCR Corporation ("NCR") in 1986.
3. In 1990, NCR began developing, marketing, and selling products with RAID functionality. As a Subsystem Engineer and subsequently an Applications Engineer, I was involved with the development and support of such RAID products. Examples of such products included the NCR 6298 RAID subsystem and NCR ADP-92-02 disk array controller.
4. NCR advertised its RAID products in various industry publications and also by issuing press releases. [See Lin Decl., Ex. A<sup>1</sup>, Sept. 24, 1990 InfoWorld, at 5; Lin Decl., Ex. B, Oct. 1, 1990 InfoWorld, at 19; Lin Decl., Ex. C, Nov. 24 1991 Computer Business Review.] NCR also made its RAID products freely available for review, and demonstrated RAID products

---

<sup>1</sup> All citations to "Lin Decl., Ex. \_" refer to the corresponding exhibit attached to the Declaration of Andrew Lin In Support Of LSI's Motion For Summary Judgment Of Laches, filed concurrently herewith. All exhibits cited herein are consistent with my recollection and understanding from the relevant time period.

each year at leading industry tradeshow such as COMDEX. Part of my responsibilities included working with customers who had purchased such RAID products.

5. In May 1991, AT&T acquired NCR. [See Lin Decl., Ex. D, May 7, 1991 New York Times.]

6. In February 1995, AT&T sold NCR's Microelectronics Products Division to Hyundai Electronics America. [See Lin Decl., Ex. E, Feb. 16, 1995 Hyundai Press Release.] NCR's Microelectronics Products Division was then renamed Symbios Logic. [See *id.*; Lin Decl., Ex. F, July 10, 1995 Elec. Buyers News.]

7. In August 1998, LSI acquired Symbios Logic from Hyundai for over \$800 million. [See Lin Decl., Ex. G, LSI 1998 Form 10-K, at 43.] After the LSI acquisition, Symbios Logic continued making and selling the same or similar RAID products uninterrupted, under the name LSI Logic Storage Systems. LSI Logic Storage Systems was later renamed Engenio.

8. Throughout the above acquisitions of the Engenio division and its predecessors, day-to-day activities and operations of the business unit have continued uninterrupted. Assets, employees, management, and customers were largely carried through each acquisition. [See Lin Decl., Ex. E, Feb. 16, 1995 Hyundai Press Release, at 1; Lin Decl., Ex. F, July 10, 1995 Elec. Buyers News, at 2.] For example, the primary Research & Development facility has remained at the same Wichita, Kansas address from the time I was hired on as a full-time NCR employee in 1986 until the present. With the exception of four years in the 1990's when I worked for other divisions of NCR/Symbios Logic, I remained with this business division all the way through April 2013, when I rejoined LSI.

9. LSI's Accused RAID Products and NCR's original RAID products provide the same RAID function. While processor speeds and disk capacities may have increased, the RAID

functions described in Patterson et al., "A Case for Redundant Arrays of Inexpensive Disks (RAID)," remain the same. Similarly, the "hot-swappable" feature, which allows for a defective drive to be replaced without shutting down the entire array, was available in NCR's original RAID products. [See Lin Decl., Ex. H, Sept. 14, 1993 PC Magazine, at 2.]

10. In May 2011 NetApp purchased the Engenio division from LSI, at which point I became a NetApp employee. [See Lin Decl., Ex. I, LSI 2012 Form 10-K, at 20.] To the best of my knowledge, the majority of my Engenio colleagues remained with NetApp. However, I was hired back by LSI as a Strategic Planning Director on April 8, 2013.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

Dated: 4-15-2013

  
Mark Nossokoff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed through the ECF system, will be sent electronically to those identified as registered participants on the Notice of Electronic Filing, and by first-class mail to those identified as non-registered participants.

/s/ Marc C. Laredo

Marc C. Laredo

Dated: April 18, 2013